

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re: :
:
PETER ANDREW BURNS : Bankruptcy No. 12-15213SR
:
Debtor(s) : Chapter 13

TRUSTEE'S MOTION TO DISMISS WITH PREJUDICE
PURSUANT TO 11 U.S.C. SECTIONS 105 and 1307

To the Honorable Judges of the United States Bankruptcy Court for the Eastern District of Pennsylvania:

1. Your Movant is Frederick L. Reigle, Esq. the duly qualified and acting Chapter 13 Trustee in the above-captioned case.
2. The within case was commenced by the filing of a Chapter 13 bankruptcy petition on May 30, 2012.
3. The debtor has filed two prior bankruptcy cases, either individually or jointly with a spouse, as follows:
 - (1) Case number 12-11702SR, Chapter 13, filed by Peter Andrew Burns on February 27, 2012. An Order was entered on April 24, 2012 dismissing case due to the failure of the debtor to file a Statement of Current Monthly Income.
 - (2) Case number 05-35142SR, Chapter 7, filed by Peter A. Burns on October 10, 2005. An Order was entered on September 25, 2008 discharging the debtor.
4. In the within case, the debtor has failed to commence or continue making timely payments to the Trustee as required by 11 U.S.C. Section 1326.
5. In the within case, the debtor failed to appear at the first meeting of creditors on September 7, 2012 as required by 11 U.S.C. Section 341.
6. In the within case, the plan does not appear to be feasible.
7. In the within case, the debtor has failed to file tax returns with the Internal Revenue Service for 2009, 2010 and 2011.
8. In the within case, the plan filed by the debtor does not appear feasible in that the total filed proofs of claim which are to be paid through the plan exceed the value of the proposed plan.

9. The Trustee believes and therefore avers that the within case has been filed in bad faith based upon the prior and current filings.

WHEREFORE, Frederick L. Reigle, Esq., Standing Chapter 13 Trustee, respectfully requests that, pursuant to 11 U.S.C. Sections 105 and 1307, the Court enter an Order dismissing this case with prejudice and barring the debtor from filing another bankruptcy petition, either individually or jointly with a spouse, without prior leave of Court.

Respectfully submitted,

Date: September 27, 2012

/s/ Polly A. Langdon
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for
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